

A
SHORT HISTORICAL ACCOUNT,

Concerning the Succession to the Crown of SCOTLAND: And the Estates disposing of it upon Occasion as they thought fit.

When *Fergus* the first was chosen King the Estates gave the Crown to him his Heirs and Successors, and confirmed it by an Oath.

Fergus being deceased, leaving two Sons *Ferleg*, and *Main*, who being but young were not for Governing; and the Estates being convened, choosed a King: And there being great contest among them, it was objected by one partie, that the Crown having been given to *Fergus* and his Heirs, and the Estates having confirmed it by an Oath, they could not pass by his Son and choole another King; and on the other hand it was pleaded, that the Estates should consider that there were great dangers both at home and abroad if they should admit a Child to be King. And after being debated they came to this Resolution; that notwithstanding their Oath given to *Fergus*, yet when their King dies, leaving Children, who in respect of their age are not fit for Governing, that the next of the Line who is fittest to Govern should be King; and that after his decease the Crown should return to the former King's Children; upon which, *Ferutharis*, *Fergus* his Brother was chosen King, and this Law continued for the space of one thousand years, from *Ferutharis* his time, to *Kenneth* the Third, who (as the historians sayes) by force and fraud, obtained this Law to be changed.

Ferleg, *Fergus* his eldest Son, when he came to age, being ambitious to Reign entered into a conspiracie against *Ferutharis*, which being discovered, he was taken and imprisoned, but escaped with some of his accomplices, and few Months after *Ferutharis* having died, it was thought he got wrong by *Ferleg*, and there-
A fore

t

759 a d 5

A

SHORT HISTORICAL ACCOUNT,

Concerning the Succession to the Crown of SCOTLAND: And the Estates disposing of it upon Occasion as they thought fit.

When *Fergus* the first was chosen King the Estates gave the Crown to him his Heirs and Successors, and confirmed it by an Oath.

Fergus being deceased, leaving two Sons *Ferleg*, and *Main*, who being but young were not for Governing; and the Estates being convened, choosed a King: And there being great contest among them, it was objected by one partie, that the Crown having been given to *Fergus* and his Heirs, and the Estates having confirmed it by an Oath, they could not pass by his Son and choole another King; and on the other hand it was pleaded, that the Estates should consider that there were great dangers both at home and abroad if they should admit a Child to be King. And after being debated they came to this Resolution; that notwithstanding their Oath given to *Fergus*, yet when their King dies, leaving Children, who in respect of their age are not fit for Governing, that the next of the Line who is fittest to Govern should be King; and that after his decease the Crown should return to the former King's Children; upon which, *Ferutharis*, *Fergus* his Brother was chosen King, and this Law continued for the space of one thousand years, from *Ferutharis* his time, to *Kenneth* the Third, who (as the historian sayes) by force and fraud, obtained this Law to be changed.

Ferleg, *Fergus* his eldest Son, when he came to age, being ambitious to Reign entered into a conspiracie against *Ferutharis*, which being discovered, he was taken and imprisoned, but escaped with some of his accomplices, and few Months after *Ferutharis* having died, it was thought he got wrong by *Ferleg*, and there-

fore upon the presumptions of *Ferleg* his former ambition, and conspiracie, and sudden flight, *Ferleg*, by unanimous consent of the Estates, was condemned and deprived of the Right and Succession to the Crown, and *Mum* his Brother was made King.

Albeit by the Law made in *Fergus* the first's time, the Estates granted the Crown to the King and his Heirs, which was confirmed by Oath, yet when the Estates found it not for the interest of the Nation, that the Crown should descend upon the Kings Children, and immediate Heirs, They conferred it upon another of the same Line, as in the case of the two Sons of *Durfus*. vvhho albeit they vvvere of age fit for Governing vvhen their Father died, yet the Estates considering, that if they should admit any of *Durfus* his Children to the Crown, (who had been a wicked King and had forced his Subjects to a conspiracy against him) the likeness of manners might make them continue in their Fathers vvickedness, and the neereness of Blood incite them to revenge: Therefore they passed by *Durfus* his two sons, and choosed *Euven Durfus* his Cusine German to be King.

In *Ferchard* his Reign, the Estates conueened by their own authority, and having cited the King to appear before them, he refused to appear, and having retired to a strong castle, the Estates did take him out, and brought him before them, and having accused him of many heinous Crimes, and particularly that he vvvas guilty of the pelagian Heresie, and contempt of the Sacrament of Baptism, and other holy Rites; and he not being able to clear himself of the Crimes, vvith vvvhich he vvvas charged, vvvas put in Prison and shortly after died.

King *Robert Bruce* when he was first settled upon the Throne having only a Daughter who by the Law should have succeeded, there was a new Law made, that if the King should die without Male Children, his Brother *Edvard* and his Sons should succeed; and if he should die without Children, that then King *Robert's* Daughter and her Heirs should succeed to the Crown: But it was provided that the Estates should choose a Husband for her, that was most fit to govern, for they thought it was much more reasonable that they should choose their King, than that the Queen should choose her Husband. And thereafter the King having a Son, and

another Daughter, the entail was again altered, and the Crown was provided to King *Robert* and his Children: and they failing to *Robert Stevvart* the Kings Grand-child, by his eldest Daughter, passing by his two Daughters, Which settlement the Estates did confirm by Oath: And yet that notwithstanding *David* the second, King *Robert's* Son, did alter this Law and Settlement, and made a new Law, excluding *Robert Stevvart*, and substituting *Alexander*, Son to the Earle of *Sutherland*, by King *Robert's* second Daughter, which the Estates did likewise confirm by Oath, but *Alexander* having died shortly after, and King *David* being reconciled to *Robert Stevvart*, he was by Act of Parliament restored to his own place in the Succession.

The said *Robert*, who was the first King of the Race of *Stevvart*, being first married to the Earle of *Ross* his Daughter, by whom he had two Sons, and a Daughter, did after the Queen's decease, marry *Elizabeth Muir* with whom he had begotten three Sons before his marriage with the Earle of *Ross* his Daughter. And albeit the former course of Succession was not only established by Law, but confirmed by Oath; Yet the Estates did again alter it and entailed the Crown upon *Elizabeth Muir's* Children, passing by the Children of the first Marriage, who were for ever excluded; and *Robert* the third who was the eldest Son by *Elizabeth Muir* succeeded to the Crown, of whom King *James* the seventh is lineally Descended.

From all which these things may be evidently inferred.

1. That by the constitution of the Government of this Kingdom there was an original Contract betwixt the King and the People by which their Kings were obliged to Rule by Law.

2. That when the Kings made Invasion upon Religion and the Law and Liberties of the Subject, tending to the subversion of the Government, the Estates did convey by their own Authority and called their Kings in question for it.

3. That the Estates have been in use to alter the course of Succession, when they did see it for the Interest and Well of the Kingdom; and did entail the Crown to others than those who by former Laws had Right to succeed, keeping always the same Family.

4. It is by vertue of such an entail and settlement of the Crowne that King *James* the seventh, and his Predecessors succeeded to the Crowne, ever since King *Robert* the third.

5. That vvhhen the Estates, conferred the Crowne upon any Person or Family, albeit they confirmed it by Oath and svvove Allegiance to the King his Heirs and Successors, yet vvhhen their Kings broke the Original Contract vvvith the People, and upon that ground the Estates did think fit to lay aside any of their Kings, or did alter the course of Succession, they thought themselves no longer tyed by their former Oath of Allegiance, but loosed therefrom and svvove Allegiance to their new King, vvvhich has not only been the practice of this Kingdome, but is, and has been the practice of *England*, and other Nations, on the like occasions.

F I N I S



